

REMARKS/ARGUMENTS

SEQUENCE RULES

A sequence listing is provided in paper and computer readable forms. The content of the two forms is believed to be identical. The specification is amended to refer to the sequence listing.

THE AMENDMENTS:

Claims 1-3 have been amended to recite a combination of genes corresponding to the elected species. Each of these genes is disclosed in Table 1 under the headings of "Interferon" and "Kinase/Phosphotase." Thus, these amendments are fully supported by the specification.

Claims 5-11, 17-23, 42, 44, and 45 have been amended to maintain correct antecedent basis with claims 1 and 2 as amended. Functional recitations in claims 42 and 1-3 have been deleted as unnecessary in view of the amendment reciting particular genes.

Claims 44 and 45 have been amended to clarify what is done with the determined expression levels, *i.e.*, using them to identify.

Claims 25-29 have been canceled in view of the amendment to claims 1-3.

CLAIM OBJECTIONS:

Claim 4 has been cancelled. Claims 1-3 have been limited to the elected species. Claims 11 and 13 have been amended to correct typographical errors.

Rejections Under 35 U.S.C. § 112, second paragraph

The members of each pair of claims pairs 1 and 44 and claim pair 2 and 45 are said to render the other ambiguous. This rejection is respectfully traversed.

Claims 1 and 2 have each been amended to delete a clause which qualifies which genes are used in the step of "determining expression levels." Thus there is no recited step of correlating in claims 1 and 2.

Claims 44 and 45 have also been amended to delete the word correlating. The claims now recite that the expression levels (determined by the methods of claims 1 and

2) are used to determine the patient's stage of disease or extent of tissue damage. These amendments remove the alleged ambiguity.

The Rejection of Claims 1, 15, 24-27, 37, and 44 Under 35 U.S.C. § 102(a)

Claims 1, 15, 24,-27, 37, and 44 are rejected as anticipated by Zhu *et al.* (PNAS 12/97) 94, 13985-13990. This rejection is respectfully traversed.

Claims 1-3 have been amended to recite the elected species. Claims 14, 24-27, 37 and 44 depend from claim 1-3. The cited reference does not teach the elected species. Therefore, the cited reference does not anticipate amended claims 1, 15, 24-27, 37 and 44.

Withdrawal of this rejection is respectfully requested.

The Rejection of Claims 1-3, 5-16, 24-40, and 42-45 Under 35 U.S.C. § 103

Claims 1-3, 5-16, 24-40, and 42-45 are rejected as unpatentable over various combinations of the following cited references:

Zhu
Schena
Hock
Vinayagamoorthy
Cinque
Soderberg-Naucler
Cocks
Huey

No rejections over prior art were made of claims 4, 17-23, and 41.

Claims 1-3 have been amended to recite the elected species. None of the cited art teaches or suggests the use of the elected species. Therefore, the rejections under § 103 should be withdrawn from claims 1-3 as amended.

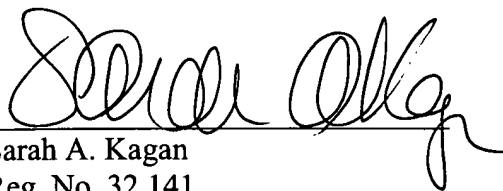
Claims 5-16, 24-40 and 42-45 are dependent on claims 1, 2, or 3. Thus, they each are limited to the recited species. Since the prior art does not teach or suggest the use of the recited species, the rejections of these claims should also be withdrawn.

A speedy allowance of all claims is respectfully requested.

Respectfully submitted,

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